

if any, the project will have on any district, site, or building, structure, or object that has been included in the National Register of Historic Places as maintained by the Department of Interior in accordance with the National Historic Act includes the protection, rehabilitation, restoration, and reconstruction of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology and culture. (See Part 1901 Subpart F of this chapter.)

**§ 1980.45 Other Federal, State and local requirements.**

In addition to the specific requirements of this subpart, proposals for facilities financed in whole or in part with an FmHA or its successor agency under Public Law 103-354 loan or guarantee will be coordinated with all appropriate Federal, State and local agencies in accordance with the following:

(a) *Compliance with special laws and regulations.* Applicants and/or lenders will be required to comply with any Federal, State or local laws, regulatory commission rules, ordinances, and regulations which are presently in existence or may be later adopted which affect the project including, but not limited to:

(1) Organization and authority to design, construct, develop, operate, and/or maintain the proposed facilities;

(2) Borrowing money, giving security therefor, and raising revenues for the repayment thereof;

(3) Land use zoning;

(4) Health, safety, and sanitation standards;

(5) Protection of the environment and consumer affairs.

(b) *In compliance.* The applicant and/or lender will be in compliance with this section effective with the date of issuance of the Loan Note Guarantee.

**§ 1980.46 Right to Financial Privacy Act of 1978.**

(a) When the applicant is either an individual or partnership of five or fewer members and applies for financial assistance from a lender which applies to FmHA or its successor agency under Public Law 103-354 for a guaran-

tee, the following actions must be taken:

(1) Except for Farmer Programs loans, within 3 days of the receipt of a pre-application or complete application from a lender for a guarantee for a loan, FmHA or its successor agency under Public Law 103-354 will forward Form FmHA or its successor agency under Public Law 103-354 410-7, "Notification to Applicant on Use of Financial Information From Financial Institution," to those applicants desiring loan assistance. If notification is made upon receipt of a pre-application, notification will not be made upon receipt of an application for the same applicant. For Farmer Programs loans, this notification is included in Form FmHA or its successor agency under Public Law 103-354 1980-25, "Farmer Programs Application," and therefore, Form FmHA or its successor agency under Public Law 103-354 410-7 need not be sent to the loan applicant.

(2) Except for Farmer Programs loans, notification must also be given to the lender and other financial institutions to which FmHA or its successor agency under Public Law 103-354 makes a direct request for financial records. For Farmer Programs loans, this notification is included in Form FmHA or its successor agency under Public Law 103-354 1980-25, and therefore, Form FmHA or its successor agency under Public Law 103-354 410-7 need not be sent to the lender. The notification to the lender and other financial institutions will read as follows:

I certify that the United States Department of Agriculture, acting through the Farmers Home Administration or its successor agency under Public Law 103-354, has complied with the applicable provisions of Title XI, Pub. L. 95-630, in seeking financial information regarding

\_\_\_\_\_  
(applicant)

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Supervisor

(b) Under no circumstances may financial information obtained under this Subpart be disseminated to any other department or

agency of the Federal Government (other than the Office of the Inspector General (OIG) or the Office of Equal Opportunity (OEO)) without express approval of OGC.

[48 FR 30947, July 6, 1983, as amended at 52 FR 6500, Mar. 4, 1987; 58 FR 34307, June 24, 1993; 61 FR 67633, Dec. 23, 1996]

**§ 1980.47 Time frame for processing applications for loan guarantees.**

All guaranteed loan applications must be approved or disapproved, and the lender notified in writing, not later than 60 days after receipt of a completed application, except as noted in paragraph (d) of this section.

(a) If an application is not complete, the lender will be notified, in writing, not later than 20 days after receipt of the application by FmHA or its successor agency under Public Law 103-354, of the reason(s) the application is incomplete.

(b) When an application is disapproved, the written notification to the lender will state the reasons(s) for disapproval.

(c) When an application is disapproved and subsequent action, as the result of an appeal, reverses or revises the initial decision, FmHA or its successor agency under Public Law 103-354 will notify the lender of such action within 15 days after the reversal/revision decision is made.

(d) Applications for Community Programs guaranteed loans that would otherwise be disapproved due to the lack of guarantee authority to make the loans will be placed in a pending status. The applications will remain in a pending status until guarantee authority becomes available. Within 60 days after guaranteed authority becomes available, FmHA or its successor agency under Public Law 103-354 will notify the applicants of the approval or disapproval of the loan.

[51 FR 6710, Feb. 25, 1986, as amended at 57 FR 6068, Feb. 20, 1992; 61 FR 67633, Dec. 23, 1996]

**§ 1980.48 Seismic safety of new building construction.**

(a) The guaranteed loan programs are subject to the provisions of Executive Order 12699 which requires each Federal agency assisting in the financing, through Federal grants or loans, or

guaranteeing the financing, through loan or mortgage insurance programs, of newly constructed buildings to assure appropriate consideration of seismic safety.

(b) All new buildings shall be designed and constructed in accordance with the seismic provisions of one of the following model building codes or the latest edition of that code providing an equivalent level of safety to that contained in the latest edition of the National Earthquake Hazard Reduction Program's (NEHRP) Recommended Provisions for the Development of Seismic Regulations for New Building (NEHRP Provisions):

(1) 1991 International Conference of Building Officials (ICBO) Uniform Building Code;

(2) 1993 Building Officials and Code Administrators International, Inc. (BOCA) National Building Code; or

(3) 1992 Amendments to the Southern Building Code Congress International (SBCCI) Standard Building Code.

(c) The date, signature, and seal of a registered architect or engineer and the identification and date of the model building code on the plans and specifications will be evidence of compliance with the seismic requirements of the appropriate building code.

[61 FR 65157, Dec. 11, 1996]

**§§ 1980.49—1980.59 [Reserved]**

**§ 1980.60 Conditions precedent to issuance of the Loan Note Guarantee or Contract of Guarantee.**

(a) *Lender certification.* For Farmer Programs loans, Form FmHA or its successor agency under Public Law 103-354 449-34 or Form FmHA or its successor agency under Public Law 103-354 1980-27 will not be issued until the lender certifies to the applicable conditions below by executing Form FmHA or its successor agency under Public Law 103-354 1980-22, "Lender Certification." For all other loans, Form FmHA or its successor agency under Public Law 103-354 449-34 will not be issued until the lender certifies that:

(1) No major changes have been made in the lender's loan or line of credit conditions and requirements since the issuance of the Conditional Commitment for Guarantee or Conditional